

August 10, 2015

Mr. Devin Leary
Human & Rohde, Inc.
512 Virginia Avenue
Towson, Md. 21286

Re: Hershfield Property at 15819-A Yeoho Road
Forest Buffer Variance Request
Tracking #03-15-2021

Dear Mr. Leary:

A request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department of Environmental Protection and Sustainability (EPS) on July 20, 2015. This request proposes to impact 27,750 square feet (0.64 acre) of Forest Buffer Easement in order continue pasturing cattle on the property in the course of developing an existing 20-acre parcel with one single family dwelling. An alternatives analysis evaluating impacts to water quality associated with a proposed 12-foot wide driveway to serve the proposed dwelling was included with the variance application. The proposed driveway, including its shoulders, would result in 9,225 square feet of impact to unforested Forest Buffer Easement. Proposed mitigation for the combined 36,950 square feet of impacts (0.8 acre) includes planting 14,000 square feet (0.3 acre) of Forest Buffer Easement onsite and installing permanent fencing along the non-disturbance portions of this Easement.

This Department has reviewed the variance request and alternatives analysis and has determined that a practical difficulty exists due to topography and limited availability of ingress and egress to the property as well as the ability to continue a reasonable agricultural use of the long standing farm property. We further acknowledge that the potential for impacts to water quality can be minimized by posting and fencing the remaining portion of the Forest Buffer Easement and planting unforested portions of this Buffer.

Therefore, we will grant this variance in accordance with Section 33-3-106 of the Baltimore County Code with the following conditions:

1. As shown on the enclosed exhibit, 27,750 square feet of Forest Buffer Easement may be impacted by the continued pasturing of livestock and 9,225 square feet by the driveway and maintained lawn. All other areas within the Forest Buffer Easement shall remain undisturbed.

2. Prior to issuance of any permit, all permanent livestock fencing and protective signage shall be installed along the entire non-disturbance portion of the Forest Buffer Easement. Signs are available from private sign companies. Information regarding these signs and their availability is enclosed. After the installation of all signage and fencing, the applicant/owner shall notify EPS staff to schedule an inspection of the signs and fence.
3. 14,000 square feet of unforested Forest Buffer Easement shall be planted using trees a minimum 1-inch caliper, container-grown, native, deciduous stock.
4. The Forest Buffer Protection Plan (FBPP) included with the application package must be revised to reflect all applicable approval conditions of this variance and alternatives analysis and approved by EPS staff prior to issuance of any permit. The revised FBPP shall also include an itemized cost estimate for its implementation.
5. A FBPP performance security shall be posted via an Environmental Agreement in an amount equal to one hundred ten (110) percent of the aforementioned cost estimate. In no instance shall the amount of the performance security be less than twenty five (25) cents per square foot of required area to be planted.
6. The planting shall be installed within one year of permit issuance or by April 10, 2016, whichever comes first. Release of the FBPP security shall occur in accordance with Section 32-4-313 of Baltimore County Code.
7. Prior to issuance of any permit, the full Forest Buffer Easement (i.e. delineated per Section 33-3-111 of County Code) and associated Declaration of Protective Covenants must be recorded in Baltimore County Land Records via either the Exhibit A or right of way pat process.
8. The owner shall obtain a temporary stockpile permit for the existing stockpile within the Forest Buffer Easement. The stockpile shall be removed from the Forest Buffer Easement and the area seeded and stabilized by April 10, 2015.
9. Add the following note to all future plans: "An alternatives analysis and a variance to the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains were approved by Baltimore County Department of Environmental Protection and Sustainability on August 10, 2015 to allow a driveway and the continued use of a portion of the Forest Buffer Easement. Conditions were placed on this approval including planting and permanent fencing of the remaining functioning buffer."

It is the intent of this Department to approve this variance and alternatives analysis subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Mr. Devin Leary
Hershfield Property
Forest Buffer Variance
August 10, 2015
Page 3

Please have the party responsible for implementing the conditions of this variance and alternatives analysis sign the statement below and return a signed copy of the letter to this Department within 21 days. Failure to return a signed copy may render this approval null and void, or may result in the processing of plans for this project.

If you have any questions regarding this correspondence, please call John Russo at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/jgr

Enclosures (2)

c. Jonathan & Shannon Hershfield, Property Owners

I/we agree to the above conditions to bring my/our property into compliance with Article 33. Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner' Signature

Date

Printed Name